

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**ANTHONY WAYNE MCCA**, )

**Plaintiff,** )

**v.** )

**ETTA EDWARDS,** )

**Defendant.** )

) **Case No.: 7:12-CV-2688-VEH**

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**ORDER ADOPTING MAGISTRATE'S  
REPORT AND RECOMMENDATION  
AND  
DENYING MOTION FOR ENTRY OF DEFAULT**

The magistrate judge filed a report and recommendation on February 26, 2015, stating:

Because the plaintiff has failed to show why he is entitled to the amount of damages he seeks or provide the court with any evidence regarding his damages, it is RECOMMENDED that the Motion for Default Judgment be DENIED WITHOUT PREJUDICE for the plaintiff to cure said deficiencies. The undersigned notes that if the plaintiff files a motion for entry of default judgment against the defendant with evidence indicating to the Court the extent of injuries and damages he suffered as a result of the subject incident, he must also serve the defendant with his motion for entry of default judgment by mailing the motion to the address the plaintiff used to effect proper service on the defendant.

(Doc. 50 at 2). In response, the plaintiff has filed a document styled as an "Objection,"

which does not actually object to any portion of the recommendation. Instead, the plaintiff acknowledges the above statements in the magistrate's recommendation, and then claims to have "cured said deficiencies." (Doc. 52 at 2).

Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be, and hereby is, **ADOPTED**, and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that the plaintiff is not entitled to judgment by default and that his motion is due to be, and is, **DENIED**.

**DONE** and **ORDERED** this 16th day of June, 2015.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", is written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**  
United States District Judge